

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

v.uspto.gov	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,704	09/17/2003	Yoichi Nemugaki	242935US3	3973
22850 7590 10/22/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET		EXAMINER		
		LAZORCIK, JASON L		
ALEXANDRI	ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER
			1791	
			NOTIFICATION DATE	DELIVERY MODE
			10/22/2007	ELECTRONIC

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com

	Application No.	Applicant(s)		
	10/663,704 NEMUGA		AKI, YOICHI	
Office Action Summary	Examiner	Art Unit		
	Jason L. Lazorcik	1791		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence ad	Idress	
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNI 36(a). In no event, however, may a vill apply and will expire SIX (6) MOI cause the application to become A	ICATION. reply be timely filed  NTHS from the mailing date of this country BANDONED (35 U.S.C. § 133).		
Status				
1) ☐ Responsive to communication(s) filed on <u>06 Au</u> 2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This 3) ☐ Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal mat		e merits is	
Disposition of Claims	x parte quayre, 1000 O.E	2. 11, 400 O.G. 210.		
4)⊠ Claim(s) <u>8 -11, and 14</u> is/are pending in the ap	PostPost			
4a) Of the above claim(s) is/are withdray  5) Claim(s) is/are allowed.  6) Claim(s) 8-11 and 14 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or	vn from consideration.			
Application Papers				
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the confidence of Replacement drawing sheet(s) including the correction of the original transfer of the confidence of the confide	epted or b) objected to drawing(s) be held in abeyation is required if the drawing	nce. See 37 CFR 1.85(a). g(s) is objected to. See 37 CF		
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in A ity documents have beer i (PCT Rule 17.2(a)).	Application No  n received in this National	Stage	
Attachment(s)				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(	Summary (PTO-413) (s)/Mail Date Informal Patent Application 		

Art Unit: 1791

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art...
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) in view of Dominka (US 5,494,254).

As previously presented with respect to **Claim 8**, Nemugaki teaches (see Claim 1) an "air-cooling/tempering method for air cooling and tempering a glass plate" comprising

- 1) "a transferring device" or conveying means
- 2) Providing "a plurality of air-blowing heads positioned along the transferring device which blow air to the upper and lower faces of the glass plates" which are held equivalent to the plurality of upper and lower blowing methods.
  Each of the plurality of air supply boxes is provided with a damper and each box is connected to a respective blowing member via a plurality of flow paths

Art Unit: 1791

as evidenced by figure 1. It is understood that since the blowing of air can be "started and stopped, the apparatus inherently incorporates an air-supply which is capable of controlling the "blow/stop" operation of cooling air to each of the blowing members

- 3) The process comprises "stopping the blowing of air in the air-blowing area" which is held equivalent to the claimed step of "stopping the cooling air from all of the upper and lower blowing members in the cooling area in an initial state",
- 4) A second step of "starting the blowing of air when "an entirety of the glass plate is transferred into (the apparatus" which is held equivalent to the claimed step of "flowing cooling air from all of the upper and lower blowing members when the substantially whole of a conveyed glass sheet is entered in the cooling area,
- 5) And a further step of "stopping the blowing" and as set forth in the reference claim 3 stopping said blowing in "a sequential order of areas though which the glass plate is passed" which is held equivalent to the claimed process of sequentially stopping the cooing air blown to the conveyance position of the glass sheet after the last glass sheet in the cooling area is passed.

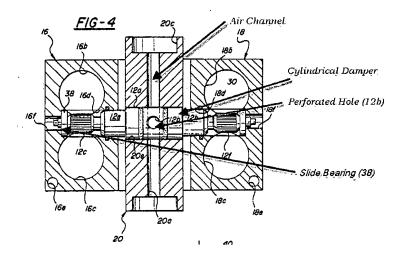
Regarding **claims 10 and 11**, the immediate reference clearly indicates that the "transferring device comprises a plurality of tempering rollers" (Column 22, Line 22-23) and that said rollers "move vertically with the transfer of the glass plate" (Column 22, Lines 30-32).

Art Unit: 1791

With respect to the newly added limitations directed to the structure of the cylindrical dampers, Nemugaki '160 teaches with reference to figure 8 that "dampers 250S...252b...are respectively provided at air supply ports...formed in air-blowing boxes. The dampers ... are controlled independently to be opened and closed by means of a controller (not shown) respectively" (Column 15, lines 1-11). Nemugaki '160 is silent regarding the particular structural details of these dampers. However <u>absent any unexpected and compelling evidence to the contrary</u>, it is the Examiners position that that one of ordinary skill in the art could here substitute any design of damper or other valve capable of providing the requisite independent control over air flow in each of the air blowing heads under typical operating conditions.

With this point in mind, Dominka (US 5,494,254) teaches a rotary shut off valve (see figures 4 below) comprising a cylindrical damper (12) with perforated hole (12b) provided at the side of the damper, a casing (16 and 20) for rotatably accommodating the damper, and a "slide" bearing (30 and 38) between the damper and the casing. When the cylindrical damper is provided at a predetermined rotational position, a continuous communication path along the central flow passage (20a) through the perforated hole (12b) of the cylindrical damper is provided. Since Dominka teaches that the disclosed valve design advantageously provides precision actuation, low associated construction and installation costs, and enhanced durability with low maintenance requirements (Column 1, Lines 35-41), it would have been an obvious design choice for the dampers described in the Nemugaki apparatus.

Art Unit: 1791



Further, a modification of the Nemugaki apparatus to include the flow dampers set forth by Dominka would likewise implicitly impart the claimed step of "adjusting the rotational position of the dampers" into each of the identified process steps 3, 4, and 5, above.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) as applied above to Claim 8 and further in view of Nikander (US 5,846,281). In short as set forth above, Nemugaki '160 teaches the apparatus for conveying a glass sheet comprising the claimed upper and lower blowing members in parallel along the conveyance direction along with the requisite air-supply boxes and air supply source. The reference further teaches a method of conveying and tempering the glass sheet by first stopping the flow of cooling air from all blowing members, second conveying a sheet into the cooling area, third start cooling air flow from all blowing members, and fourth sequentially stopping cooling air flow as the sheet is conveyed downstream of a given upper/lower blowing member.

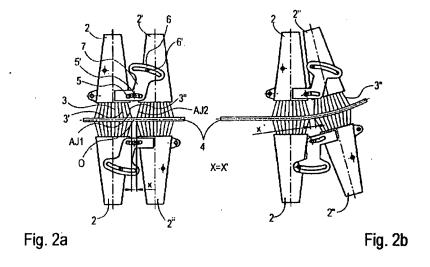
Page 6

Art Unit: 1791

As set forth in the prior office action, the Nemugaki '160 reference indicates that "the air-blowing heads are each disposed between the adjacent tempering rollers ... and configured to move vertically" (column 22, lines35-37). The heads are raised and lowered in response to the conveyance of the glass sheet along the direction of conveyance. The air nozzle associated with each of these blowing heads is therefore understood to be "swingable" in the conveying direction of the glass sheet. That said, Nemugaki is silent regarding the particular process limitation wherein "the cooling air is blown perpendicularly to a surface of the conveyed glass sheet by swinging the air nozzle".

The Patent to Nikander (US 5,846,281) teaches a quench head for use in a glass tempering operation. Specifically, Nikander teaches that the coolant impinging on the glass surface from the quench head air jet should be "about perpendicular to the main planar surface of the glass and does not deviate from the perpendicular direction more than 20 degrees" (Column 1, Lines 15-23). Regarding the particular structure of the Nikander apparatus, the reference discloses an upper and lower quench head comprising sequential rows of air blowing heads or nozzle blocks.

Art Unit: 1791



As depicted in the excerpt figures 2a and 2b above, the Nikander apparatus provides vertical and horizontal adjustment of individual nozzle blocks relative to adjacent nozzle blocks in order to maintain a constant spacing and a near perpendicular allingment between the glass sheet and the nozzle head (Claim 1). Given the reported advantages in tempering quality and the reduced energy consumption associated with maintaining proper alignment of the quench head with the glass sheet surface (Column 1, line 23-42), it would have been obvious to one of ordinary skill in the art to seek to modify the Nemugaki apparatus to insure proper spacing and alignment of the blowing members with respect to the conveying glass sheet (see Fig 1c).

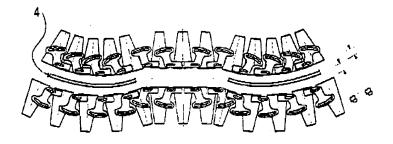


Fig. 1c

Art Unit: 1791

Therefore in light of the Nikander teachings, it would have been obvious to one of ordinary skill in the art to modify the Nemugaki '160 apparatus with the Nikander adjustable air-nozzles, which are "swingable" in the conveyance direction of the glass sheet, in order to maintain proper spacing and alignment of said blowing members with the conveyed sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Nemugaki (WO 00/78685 where US 6,722,160 B1 is applied as the English language translation) and Dominka (US 5,494,254) as applied above to Claim 8 and further in view of Nikander (US 5,846,281). As set forth above, the Dominka modification to Nemugaki '160 teaches the claimed rotational damper assembly and Nikander teaches the claimed swingable air-nozzles to maintain perpendicular alignment between the glass sheet and said nozzles. Therefore the particular limitations set forth in the instant claim are rendered prima facia obvious over the combined prior art of record.

## Response to Arguments

Applicant's arguments filed August 6,2007 have been fully considered but they are not persuasive.

With respect to the rejection of claim 8, Applicant acknowledges that Nemugaki (WO 00/78685) discloses a plurality of upper and lower air supply boxes denoted by elements 130 and 150, respectively. Applicant further acknowledges that each of the air supply boxes is provided with a damper (e.g. 250, 252) and each box is connected to a respective blowing member via a plurality of flow paths as evidenced by figure 1.

Art Unit: 1791

Applicant then argues that the prior art structure differs from that claimed since Nemukagi requires "a separate damper for each of the flow paths".

First, the Examiner disagrees with Applicants interpretation of the Nemugaki reference. Specifically, the instant reference provides neither an explicit nor an implicit requirement such that each of the flow paths is provided with a separate, and independent damper device. Rather, Nemugaki teaches only that each supply box is supplied with a damper.

Second, Applicants claim language does not require the alleged "dampers in divided air supply boxes which each having a plurality of flow paths". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dampers in divided air supply boxes with each having a plurality of flow paths) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Next with respect to the rejection of Claim 14, Applicant argues that Nemugaki does not teach that claimed air nozzles "swingable" in the conveying direction of the glass sheet. Further, Applicant argues that Nikander teaches tilting of the nozzles in a direction transverse to the conveying direction and not in the conveying directin of the glass sheet. Applicant concludes that one of ordinary skill in the art could not arrive at the claimed apparatus with nozzles swingable in the direction of glass sheet conveyance from the combined prior art teachings.

Art Unit: 1791

The Examiner is unpersuaded by Applicants argument.

It is first noted that whether the Nikander nozzles are swingable in the conveyance direction or perpendicular thereto relates to a matter of intended use. The central teaching of Nikander is that the air jet impinging upon the glass sheet should be "about perpendicular to the planar surface of the glass" (Column 1, lines 15-23) and that this may be accomplished with adjustable nozzle heads or "swingable" quench nozzles. The quench heads of the Nemugaki apparatus are adjustable in the conveyance direction in response to the advancement of a bent glass sheet. In order to maintain the perpendicular alignment of the quench heads to the glass sheet in the Nemugaki apparatus as advocated by Nikander, it follows that one of ordinary skill in the art would provide the claimed "swingable" nozzle actuation in the direction of conveyance.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL

STEVEN P. GRIFFIN SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700 Page 11